

CHARTER TOWNSHIP OF MONITOR  
REGULAR PLANNING COMMISSION MEETING  
May 1, 2018

The meeting was called to order by Chairman J. Bellor at 7:00 p.m.

The Pledge of Allegiance was recited by all present.

Members present: J. Bellor, R. Campbell, D. Darland, C. Hoyle, T. Miller  
Members absent: B. Reder, J. Frank  
Also present: R. Sheppard, Planning Attorney; P. Lippens, Planner  
Others present: Kenneth M. Malkin, Township Supervisor  
Public present: See Sign-In Sheet

**Motion by D. Darland seconded by T. Miller to adopt the agenda as presented.**

Motion carried.

**Motion by T. Miller seconded by R. Campbell to approve the minutes of the April 3, 2018 regular meeting as presented.**

Motion carried.

**Public Input**

Chairman J. Bellor opened and closed public comment at 7:02 p.m.

Milissa and Steve Kraych of 5971 2 Mile Road commented about Westside Storage of 5964 2 Mile Road specifically the traffic, noise, and headlight disturbances coming from the self-storage business in the evenings and all through the night.

Public input was closed at 7:05 pm.

**Items for Consideration**

J. Bellor opened the Public Hearing to amend the Special Use Permit and updated Site Plan approval for Jam Ventures of Bay City, LLC. d/b/a: Westside Storage of 5964 2 Mile Road.

P. Lippens, Planner reviewed the information. The hearing was established to amend the special land use approval and approve an updated site plan to include other commercial uses which is required for any special land use approval. A large part of this is to make sure the site is actually designed correctly and appropriately for commercial uses if the plan use is to be amended. The major auto repair use will be considered to see if it is consistent with the area. At this time the commission is not in receipt of a site plan that meets the requirements. This site plan should include parking, loading and unloading, waste disposal and screening requirements. P. Lippens has spoken to the applicant with regard to some of the deficiencies. These items would need to be addressed prior to the Planning Commission considering the amendment. The public hearing can be held, taking comments from the public, but recommends tabling any decision on both the special land use and site plan until a revised site plan can be reviewed.

S. Kraych asked how long the tire business has been in operation at the location. He has lived there for seven (7) months.

D. Darland reminded everyone that the property is currently zoned commercial and has special use approval on the property. The consideration is to reduce the area covered by the special use approval.

R. Sheppard commented stating that in early 2000 the applicant that owned the property at that time received a special use permit to construct self-storage structures which require special permission in commercial zoning. The commercial use that was approved has changed on three units in one of the buildings, and that is what brings us here today.

K. Malkin stated that there are two options available to the applicant. One would be to amend the special use permit and allow the business to operate under certain conditions and the other would be to separate those units away from the special use approval. The first option may be preferred as you would have the discretion to require some of the changes that the Planner recommended and secondly, restrictions could be added so a business could not operate at all hours of the night.

R. Sheppard stated that upon addressing the number of the items needed for the site plan and the Planner reviews there will need to be a reconciliation or consensus from everyone. Ultimately, there will need to be an amendment to allow this business to be made up of mixed commercial uses still subject to conditions. It could be handled either way, but senses - at least from two of the neighbors - a feeling of discord with the current business operating across the street.

T. Miller asked if any written response, complaints or otherwise have been received.

Let the record reflect there has been no written response to the public hearing notice received.

K. Weber, 7105 Hupfer Road, Freeland, MI, stated that there should be a complaint that was made in writing because they were told there was.

K. Malkin stated that one call was received prior to the public hearing notice. It is also possible that complaints were logged by the former supervisor as the business has been in operation at that location for quite some time.

There was discussion regarding the length of time the business in question has been in operation at that location. It is also important to note that this operation was in violation prior to Mr. Mulders purchasing the property.

Joseph Mulders, 5700 4 Mile Road, owner of Westside Storage submitted a revised site plan that will take care of several of the issues that P. Lippens provided in his initial review.

P. Lippens reminded the applicant that the deadline has passed for documents to be submitted for this meeting and that the revision should be considered as information only until it is properly reviewed.

There was discussion with regard to the deferred parking and access easement. Because there is common ownership with the vacant adjoining property the easements have merged and would need to be reflected on the site plan.

J. Mulders commented that he is sure everyone on the Commission is aware that the suites were never intended to be self-storage units. They were initially built with office space and bathrooms and were insulated; each unit also has natural gas heaters and overhead lighting. They are hooked up to water and sewer and have both 110 and 220 electric services. These are not what are put into self-storage units. Since 2003, these suites have had all kind of businesses in there. The business in question, Alma Tire, is in Suite C. which is the closest unit to M84. Mulders desires to comply and obtain approval for a variety of commercial business options for all three suites.

P. Lippens along with his recommendation to table believes that he and Mr. Mulders can work through the issues and as K. Malkin suggested agrees with amending the current special use approval.

D. Darland inquired about the growth of each business and the available parking spaces.

J. Mulders stated that there are five parking spots for Suite A and B, with six spots for Suite C.

There was discussion with regard to parking requirements as they relate to various commercial uses.

T. Miller commented about the intensity of use of the current tenant.

C. Adams, of 5982 Westside Saginaw Road, speaking on behalf of Wayne Maier of Maier and Associates Financial Group, stated that although they are not there in the evenings they have had no issues with Westside Storage or with the use of the tenant that is currently occupying Suite C. In addition, in defense of Mr. Mulders, it is obvious that these larger buildings were built for a commercial tenant use and not for self-storage.

The public hearing was closed at 7:35 pm.

T. Miller made motion seconded by C. Hoyle to table and recess the public hearing until the June meeting giving the applicant time to provide the necessary information and amended site plan satisfying all items requested from the Planner.

**Roll Call Vote:**

Yes: Darland, Hoyle, Miller, Campbell, Bellor

No: None

Absent: Reder, Frank

**Motion carried.**

### **Items for Consideration**

J. Bellor opened the Public Hearing for Special Use Permit approval for Phantom Fireworks, OH to sell Fireworks in the parking lot of Monitor Lanes, 1700 S. Euclid Avenue.

Richard Tapper, Michigan Regional Director for Phantom Fireworks, briefly summarized his application. The temporary fireworks sales tent will be at the Monitor Lanes location for a period of thirteen (13) days, June 22, 2018 through July 4, 2018 with hours of 10:00 am to 10:00 pm. They have been approved already by the State of Michigan Fire Marshall and will just require an inspection after the tent is put up at that location. They have (43) locations this year in Michigan.

There was no public comment but a letter was received from a Clover Lane resident C. Kowalski and neighbors P. Baker regarding the disapproval of the proposed special use approval at this location. The letter noted that Monitor Lanes would be closed during this time and there would be no security or monitoring of purchased fireworks being set off onsite in the back area of this location.

R. Tapper stated that this is the first year they will be at this location. There are several signs that they use to deter any fireworks use within 300 feet of the site. There is also a zone manager that is there to monitor purchase and the parking area that surrounds the tent. If needed, the authorities would be called if any fireworks were being set off in that surrounding area and the individual could be fined up to \$10,000. R. Tapper would also be willing to barricade or block off the back area of Monitor Lanes to ensure no one goes back in that area.

D. Darland made a motion seconded by R. Campbell to approve the Special Land Use Permit with administrative approval by the Planner to review and approve the final Site Plan. Access to the rear of the Monitor Lanes will be obstructed and activation of fireworks onsite is prohibited.

#### **Roll Call Vote:**

Yes: Hoyle, Miller, Campbell, Darland, Bellor

No: None

Absent: Reder, Frank

**Motion carried.**

### **Items for Consideration**

J. Bellor announced the consideration of a Site Plan Review for DLR Development LLC. for a proposed 63,505 sq ft. medical office building to be located at a 9.75 acre vacant commercial parcel on E. Wilder Road.

Peter Stuhldreier of Designhaus Architecture in Rochester, Michigan introduced himself as the representative of Dave Dittenber of DLR Development LLC., and Civil Engineer John D. Morey of D & M Site Inc. He briefly explained the project stating that they have been working with the Planner and the Township to put together a project on this irregular site. They have submitted, revised plans after taking comments and making concessions back and forth. At this point they feel the plan is fairly compliant. The operation will eventually employ approximately eighty (80) people, they have accounted for almost 400 parking spaces, it is designed with two main

lobby entrances to ensure easy access for the public and employees, there is also a covered drop off area. This is not a hospital rather a medical office building for family practice, physical therapy, there will be some imaging, exam and special procedure rooms. It will be medical only with each practice ranging from about 2500 sq feet up to 8,500 sq feet. P. Stuhlreyer continued, giving an informative overview of the material to be used in construction, the façade, windows, floor plan and landscaping.

P. Lippens stated that the original application was received February 8, 2018 and since that time most of the recommendations have been met. An updated site plan was received on March 27, 2018. The recommendation in the packet tonight was to address some of the remaining details and these can be worked through at this time. Five (5) issues were discussed. **Medical Waste:** Planner recommends that a notation or a medical waste plan be added to the site plan. **Fire Department: Access Aisle:** 26' feet around the perimeter of building. This is a change of the site plan, but could be a minor amendment. **Parking:** Based on calculations it appears there are two (2) spaces short on parking. This could probably be found and corrected. Planning Commission could also defer spaces if a place could be found to put them. **Sign Placement:** This could be considered a minor revision. **Bay Valley Christian Church Driveway Access:** This appears to be an issue not related to this particular applicant. If the access is going to be removed or changed it should be acknowledged or explained as it exists on another prior approved site plan under a lease. Likewise, access can continue if granted through your circulation system.

P. Lippens stated that comments were made in the first review letter about the architecture of the building indicating that the building is out of character and scale with other buildings in the Township but would not want to imply a design sensibility on it as that would not be warranted as it is an attractive building. As it was stated this evening, the use approval is for professional medical offices.

P. Stuhlreyer commented stating that the Fire Department access aisle requirement has been addressed and should be reflected on the new plans. Stuhlreyer assured us they have revised the plans to make sure the 26' feet perimeter requirement is met. Stuhlreyer stated that they have lost no parking spaces due to this revision and have gained no impervious surface. The two (2) parking spot spaces could be remedied by obtaining the exact square footage, but have found then nonetheless by adaptive striping and not by adding impervious surface or removing landscaping. Driveway access. If no easement exists, they are certain the developer would be open to discussing that entire north/south line and make it feasible for the church to utilize this parking lot if this is a grandfathered use by right.

Dave Dittenber, President and Developer of DLR Development LLC., acknowledged that contact has been made with the church and they are working together amicably.

P. Stuhlreyer commented on the architectural styling which they believe portrays a very clean, professional and modern medical facility. There is similar styling across the Bay Region and they are happy with the prototype.

P. Lippens stated that if the access aisle issue has been resolved it seems that most of the remainder of issues can be handled administratively. Site plan notes are fairly easy to review unless there are major changes to the layout that have to be made. One item that could be a change is if DLR is willing to permit access to Bay Valley Christian we would need to see where that access would be located. If access is indeed needed, it would require a review for the safety and circulation of the property.

R. Sheppard stated that there is no easement but rather a lease that provided for this access. The only other item that would require consideration is the review sent via email that Mr. Sheppard provided regarding the detention area. Based on other engineering reviews it appears that the calculations show sufficient capacity. Mark Basket, Bay County Drain, will require the ditch to be cleaned out. As we are all working on this cooperatively, this can also be handled administratively, but it should be completed if the project will be going forward.

There was discussion with regard to the 3.1 acres of the parcel that will not be developed and the shared drainage pond. It could be an administrative review if the drainage is there and the agreements are in place and no site plan revisions are required. If the configuration of the site changes DLR would have to come back to the Planning Commission.

D. Dittenber commented on the additional acres, stating that there is no desire at all to develop that northern 3.1 acre piece which has frontage on Three Mile Road. That piece would have served as a way to provide additional drainage if it was needed.

R. Sheppard stated that there is no mention of the easements that are in effect for the design and/or operating and maintenance costs of the detention pond. It seems to serve a purpose for the existing church and hotel that are currently there.

D. Dittenber stated there is a maintenance agreement in place which is detailed on the purchase agreement. The clean out of the ditch will be completed by Jason Johnson of J. E. Johnson and will coordinate the satisfactory completion with M. Basket at the Drain Commission.

D. Darland made a motion seconded by T. Miller to approve the DLR Development LLC. Site Plan contingent on administratively addressing the five issues in P. Lippens of McKenna & Assoc. review letter dated April 23, 2018 and the drainage requirement.

**Roll Call Vote:**

Yes: Miller, Campbell, Darland, Hoyle, Bellor

No: None

Absent: Reder, Frank

**Motion carried.**

**Item for Consideration**

J. Bellor announced the consideration of a Site Plan Review for Halla Mechatronics/Pumford Construction for a proposed free-standing expansion of a 8,500 sq ft research and development facility located at 3933 Monitor Road.

Greg Turner of Pumford Construction spoke on behalf of Halla Mechatronics providing a brief history and overview of the new project. It is an extension of the previously approved electronics development and testing for the automotive industry. The primary purpose of this new building will be to house their upgraded EMC parts testing chamber due to the growth of their business and additional engineering offices. This is a private business with high security and has confidentiality agreements with several automotive companies all over the world.

G. Turner reviewed the landscaping requirements, indicating that they will be enhancing the row of landscaping buffer that was put in at the north property line in 2014 by adding a berm and relocating the existing arborvitaes on top. This will leave about a 45 foot area which lines up with the existing culvert and the Monitor Road ditch to allow continued access to the property owner. They will re-grade the neighbor's drainage ditch to enhance the property.

There was discussion with regard to the additional tree and shrub landscaping.

K. Malkin, Township Supervisor spoke in regard to site plan labeled C3.1 which makes reference to the cleaning out of the neighbor's swale. Swales have never been cleaned out. The Township should require that it get taken care of and maintained in the future. The language would need to reflect that Halla will clear and grub this ditch which is listed as a swale. The ditch is in there to protect the neighboring resident. This is not clear, Halla will need to not only clean it out but agree to maintain it.

G. Turner responded saying that is very important to Halla to address that ditch. It does not drain that well. The grading plan would be to make sure there is a positive fall to the ditch at the road. To solve the problem, the ditch will technically become a swale after completion of grading. There will be natural drainage to Monitor Road.

There was extended discussion between G. Turner and K. Malkin with regard to the swale and that positive drainage will be maintained. K. Malkin contends this can easily be handled by indicating that in writing on the site plan.

P. Lippens recommends approval based on the landscaping as discussed. There was satisfaction of the use statement by notating what uses are limited which will be sufficient for this review.

J. Wheeler, Engineer from William A. Kibbe & Assoc. Inc. discussed the parking requirements.

D. Darland made a motion seconded by R. Campbell to approve the site plan contingent upon administratively addressing the two issues in P. Lippens of McKenna & Assoc. review letter dated April 23, 2018, and a notation on the site plan pledging to maintain the northerly 1% sloped drainage swale with deferment of twenty-one (21) parking spaces.

**Roll Call Vote:**

Yes: Campbell, Darland, Hoyle, Miller, Bellow

No: None

Absent: Reder, Frank

**Motion carried.**

**Item for Consideration**

J. Bellor announced the consideration of a Site Plan Review for Wolverine Building Group to construct a Culver’s restaurant on a Meijer outlot located in the proximity of 2890 Wilder Road.

Matt Cole, an Architect from Paradigm Design Inc., spoke representing the Developer, Wolverine Building Group and Owner K-Berger III LLC. regarding the proposed 4770 sq feet Culver’s drive-thru restaurant that will be built between the Wildfire Credit Union and Tractor Supply Co. on a 1.4 acre site. They are proposing sixty-nine (69) parking spaces. They are still working through the signage issue as there may be a need to apply for a variance to comply.

The various reviews and signage were discussed. They are required to be within a ¼ mile from an interstate highway to be approved for a tower sign.

P. Lippens recommended administrative approval as the site plan was very thorough.

R. Sheppard stated that they would be required to draft a cross-access maintenance agreement.

D. Darland made a motion seconded by T. Miller to tentatively approve the site plan with items #1, #3, #4 and #6 - #9 of P. Lippens recommendation letter of April 23, 2018 satisfied with final approval to be completed administratively.

**Roll Call Vote:**

Yes: Darland, Hoyle, Miller, Campbell, Bellor

No: None

Absent: Reder, Frank

**Motion carried.**

**Schedule Public Hearing for Special Planning Commission to be held on May 22, 2018**

T. Miller made a motion seconded by D. Darland to schedule the Special Planning Commission Meeting and Public Hearing for Site Plan review and Special Land Use approval for **Trinity Lutheran School** classroom addition.

**Roll Call Vote:**

Yes: Hoyle, Miller, Campbell, Darland, Bellor

No: None

Absent: Reder, Frank

**Motion carried.**

K. Malkin discussed the site sketch that was submitted. They have paid the fees for a site sketch and also the special use approval. He updated the group with regard to previous projects and fees that were paid in the past.

J. Bellor made a motion seconded by D. Darland to recommend that the Township Board waive all or a portion of the fees for Trinity Lutheran School.

**Roll Call Vote:**

Yes: Miller, Campbell, Darland, Hoyle, Bellor

No: None

Absent: Reder, Frank

**Motion carried.**



J. Bellor made a motion seconded by D. Darland to accept a site sketch in lieu of an engineered site plan for the Trinity Lutheran School Special Use approval.

**Roll Call Vote:**

Yes: Campbell, Darland, Hoyle, Miller, Bellor

No: None

Absent: Reder, Frank

**Motion carried.**

**Schedule Public Hearing for Regular Planning Commission to be held on June 5, 2018**

T. Miller made a motion seconded by R. Campbell to schedule the Public Hearing for **TNT Fireworks of Traverse City, MI** to sell fireworks in the Meijer parking lot during a specified time period from June 15<sup>th</sup> to July 8<sup>th</sup> annually.

**Motion carried.**

**Reports**

R. Sheppard discussed the setbacks of private vs. public horse stables in the Zoning Ordinance. Under private stables pastures have a zero foot setback and a fence can be at the property line. A corral or barn for private stable has a 100' ft. setback requirement. If a resident has more than ten (10) horses, they would be categorized as a public stable even if the horses are all owned by the property owner. A public stable provides for front yard setbacks of 100' feet and side yard and rear yard setbacks each at 50' feet but the Zoning Ordinance doesn't specify the setbacks for a pasture. No action taken.

D. Darland inquired about the agricultural accessory building that was built on Mackinaw.

C. Close of Atwell Inc., representing DTE Energy, commented on the communications contained in the meeting packet which depicted a misleading picture of the size of the windmills. This information was recently circulated in Bay County.

**Communications**

The Planning Commission acknowledged receipt of Communications.

**Motion by C. Hoyle supported by D. Darland to adjourn.**

**Motion carried.**

Meeting was adjourned at 9:39 p.m.

Respectfully submitted,

Dan Darland  
Secretary

DD/blfp